
HOUSE BILL 1633

State of Washington

69th Legislature

2025 Regular Session

By Representatives Hill, Waters, Bergquist, Obras, Taylor, Ormsby, Berry, Peterson, Gregerson, Parshley, Reed, Reeves, Simmons, Thomas, and Nance

Read first time 01/27/25. Referred to Committee on Capital Budget.

1 AN ACT Relating to prime contractor bidding submission
2 requirements on public works contracts; and amending RCW 39.30.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.30.060 and 2021 c 103 s 1 are each amended to
5 read as follows:

6 (1) Every invitation to bid on a prime contract that is expected
7 to cost \$1,000,000 or more for the construction, alteration, or
8 repair of any public building or public work of the state or a state
9 agency or municipality as defined under RCW 39.04.010 or an
10 institution of higher education as defined under RCW 28B.10.016 shall
11 require each prime contract bidder to submit:

12 (a) Within one hour after the published bid submittal time, the
13 names of the licensed subcontractors with whom the bidder, if awarded
14 the contract, will subcontract for performance of the work of: HVAC
15 (heating, ventilation, and air conditioning); plumbing as described
16 in chapter 18.106 RCW; and electrical as described in chapter 19.28
17 RCW, or to name itself for the work, if it is licensed to perform the
18 work for which it has named itself; and

19 (b) Within 48 hours after the published bid submittal time, the
20 names of the subcontractors with whom the bidder, if awarded the

1 contract, will subcontract for performance of the work of structural
2 steel installation and rebar installation.

3 (2) The prime contract bidder shall not list more than one
4 subcontractor for each category of work identified, unless
5 subcontractors vary with bid alternates, in which case the prime
6 contract bidder must indicate which subcontractor will be used for
7 which alternate. Failure of the prime contract bidder to submit as
8 part of the bid the names of such subcontractors or to name itself to
9 perform such work or the naming of two or more subcontractors to
10 perform the same work shall render the prime contract bidder's bid
11 nonresponsive and, therefore, void.

12 (3) Substitution of a listed subcontractor in furtherance of bid
13 shopping or bid peddling before or after the award of the prime
14 contract is prohibited and the originally listed subcontractor is
15 entitled to recover monetary damages from the prime contract bidder
16 who executed a contract with the public entity and the substituted
17 subcontractor but not from the public entity inviting the bid. It is
18 the original subcontractor's burden to prove by a preponderance of
19 the evidence that bid shopping or bid peddling occurred. Substitution
20 of a listed subcontractor may be made by the prime contractor for the
21 following reasons:

22 (a) Refusal of the listed subcontractor to sign a contract with
23 the prime contractor;

24 (b) Bankruptcy or insolvency of the listed subcontractor;

25 (c) Inability of the listed subcontractor to perform the
26 requirements of the proposed contract or the project;

27 (d) Inability of the listed subcontractor to obtain the necessary
28 (~~license~~) bonding, insurance, or other statutory requirements to
29 perform the work detailed in the contract;

30 (e) Refusal or inability to provide a letter of bondability from
31 a surety company; or

32 (f) The listed subcontractor is barred from participating in the
33 project as a result of a court order or summary judgment.

34 (4) The requirement of this section to name the prime contract
35 bidder's proposed subcontractors applies only to proposed HVAC,
36 plumbing, electrical, structural steel installation, and rebar
37 installation subcontractors who will contract directly with the prime
38 contract bidder submitting the bid to the public entity.

39 (5) This section does not apply to design-build requests for
40 proposals under RCW 39.10.330, to general contractor/construction

1 manager requests for proposals under RCW 39.10.350, or to job order
2 contract requests for proposals under RCW 39.10.420.

3 ~~((6) The legislature finds that there are hundreds of capital
4 construction projects completed each year which include complex
5 contracting and bidding requirements. It is the intent of the
6 legislature to review current subcontractor listing requirements to
7 allow fair, transparent, and competitive bidding while prohibiting
8 bid shopping. The capital projects advisory review board must submit
9 a report to the governor and the appropriate committees of the
10 legislature by November 1, 2020, and a second report by November 1,
11 2022. The reports must:~~

12 ~~(a) Evaluate current subcontractor listing policies and
13 practices;~~

14 ~~(b) Recommend appropriate expansion of the number of
15 subcontractors that may be listed in order to improve transparency
16 and fairness without reducing competitive bidding and access to
17 public works by minority and women-owned businesses; and~~

18 ~~(c) Recommend possible project threshold and time frames for
19 purposes of subcontractor listings for all scopes of work that are
20 not required to list under law, including: The timing of
21 subcontractor listing, bond requirements for subcontractors, general
22 contractors standard contract request, and general contractor/
23 construction manager and design-build applications.))~~

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